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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003125

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SUBJECT: UNCERTAIN FATE FOR MILITARY SERVICE AND RETIREMENT
LAW

Classified By: Political Counselor Yuri Kim for reasons 1.4 (b) and (d)

11. (C) SUMMARY: On November 22, the Iraqi parliament re-adopted a Military Service and Retirement Law after the first iteration, passed on November 2, was vetoed by Vice President Hashimi. The law would potentially provide hundreds of thousands of former soldiers and officers with a government-funded pension and thus could boost national reconciliation efforts. Underlying Hashimi's veto was a mixed Sunni reaction to the legislation which included grumbling that it was too little, too late. It is unclear whether Hashimi will again veto the law or allow it to be enacted and then amended at a later date to address his concerns. Some contacts question whether the GOI truly has the will or the budget to implement the law's provisions. END SUMMARY.

12. (C) The "Military Service and Retirement" law passed by the Iraqi Council of Representatives (COR) on November 2 paves the way for hundreds of thousands of former soldiers and officers, including those who served under the Saddam regime, to receive a guaranteed government pension. (Note: Former senior military officers are mainly Sunnis; many of them currently receive an emergency stipend in lieu of a pension. End Note.) The law updates regulations governing a wide range of military service conditions including promotions, discipline, retirement, pensions and family benefits. Pension amounts depend on a number of individual factors such as rank and length of service. Iraq's Sunni community has long pointed to the COR's failure to adopt such a law as a signal that the government was not serious about ethno-sectarian reconciliation. Thus far, Sunni reaction to the law has been mixed. While some have embraced it enthusiastically, others have expressed reservations.

"A POSITIVE SHIFT"

13. (C) Prior to Hashimi's unexpected veto, a staff member for Sunni MP Abd al-Karim al-Samarraie told Embassy/MNF-I officers that the law was a "positive shift" and that the government had sufficient budgeted funds to implement it. He was pleased that the law included pre-2003 retirees. Former General Zahim Mutar (now executive director of the Iraqi Mine Clearance Organization) and Jaber al-Jaberi, senior advisor to Deputy PM Rafi al-Issawi, both described the law as a "positive step," as did Colonel Ali Joodi, a member of the Implementation and Follow-up Committee for National Reconciliation (IFCNR), which is charged with pursuing reconciliation efforts with former regime elements, among other initiatives.

14. (C) Noori al-Rawi, Iraq's former Minister of Culture who has also worked with IFCNR, welcomed the law as a "positive achievement" but also called for the resumption of negotiations between representatives of the former regime and the Iraqi government. He said outstanding issues obstructing reconciliation included a continuing freeze on the assets of some officers and the lack of progress in

returning property seized post-2003. Outside the Sunni community, Shia MP Hassan al-Sunayd praised the law after its November 2 adoption and told "Aswat al-Iraq" newspaper that the law would answer "all questions" regarding the rights of former military members.

"TOO LITTLE, TOO LATE"

15. (C) Other lawmakers and former high-ranking officers, however, criticized the law. Former general Ra'ad Hamdani, now resident in Amman, told poloff that the law was "too little, too late." Although it took seven years to pass, the legislation provides only the minimum of what former soldiers deserve for their service to the country, he asserted. Hamdani saw Iranian influence in the Iraqi government as blocking more sweeping benefits for former regime soldiers.

16. (C) Echoing Hamdani, former general Riyadh al-Mashadani told Embassy/MNF-I officers that COR members are "half Kurds and half Iranian" and that the law was tailored to reflect their biased views. He decried the lack of an end-of-service gratuity and said those who crafted the law have insufficient military experience. If they understood uniformed service, he continued, they would not have offered military salaries and pensions on par with those for civilian employees, who do not face the risks that military personnel do. Mashadani claimed that the Ministry of Defense advocated for better benefits but that the Ministry of Finance rejected them. Mashadani also correctly forecast that Hashimi would exercise his veto due to his own reservations about the legislation.

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17. (C) Prominent Shia MP Hadi al-Ameri (Badr) said the COR's Security and Defense Committee expended great effort to achieve consensus in order to move the legislation for a vote by the full COR. He commented that the Committee had incorporated many of VP Hashimi's suggestions in the final text. Ameri further stated that the law is a good step forward in promoting reconciliation between Iraq's sectarian communities as it honors current and former military members who have "made sacrifices for Iraq." However, he raised concern that the government may not be able to fully fund the approximately USD 2.5 billion required to implement the law.

CONCERN ABOUT RELIGIOUS INTRUSION PROMPTS VETO

18. (C) Despite the mostly positive reaction to the law, VP Hashimi vetoed the legislation on November 9, sending it back to the COR for reconsideration. Hashimi's Chief of Staff (COS) said the VP was concerned about text that he claimed would "prevent the issuing of instructions or orders forcing soldiers to carry out acts contrary to Islamic law." According to the COS, Hashimi believes Iraq's military institutions should be insulated from the influence of religion. The VP was also concerned about the disparity in retirement pay between already retired officers and officers who retire under the new law. The COS expected the VP to again veto the law as his concerns were not addressed, although some MPs told Hashimi they would attempt to later amend the law if he allowed it to be enacted.

19. (C) COMMENT: If it can clear the final hurdles, the military retirement law will be a welcome development for many Iraqis. It remains to be seen, however, whether the government has the will to fully implement the law or the financial resources to pay all the benefits it stipulates. Embassy and MNF-I officers will continue to stress with relevant contacts the potential for this law to promote national reconciliation with Iraq's former military officers, a key demographic. END COMMENT.

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